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OGC Has Reviewed

21 July 1955

MEMORANDUM FOR: Chief, Finance Division

SUBJECT: Indebtedness of [REDACTED] 25X1A9a

1. You have requested the opinion of this Office concerning the collection of the sum of \$402.31 alleged to be owed this Agency by [REDACTED]. The file of correspondence forwarded is returned herewith. 25X1A9a

2. Although a copy of [REDACTED] contract is not contained in the file forwarded, it is assumed for the purpose of this opinion, that since he has been charged with repayment of the cost of transportation to the foreign post that the contract contains a standard provision to the effect that failure to serve a minimum period of one year would subject the individual to repayment of the cost of transportation to the foreign post, and to return travel at personal expense, unless the separation was for reasons beyond the control of the individual and acceptable to the "company." 25X1A9a

3. The file indicates that [REDACTED] voluntarily resigned from the Agency on 4 September 1953, prior to completion of one year's service at the field post. In view of his voluntary termination, he is being held liable for transportation costs in the amount of \$640.75 for travel performed by him between San Francisco and [REDACTED] less final salary and accumulated leave in the amount of \$238.44 which has been retained by the Agency and credited against the above stated travel costs. 25X1A9a

1A6a 25X1A9a a. By letter 23 September 1954 denying the claim against him and requesting that he be paid his final salary and vacation pay, [REDACTED] alleges:

(1) He was specifically told that the job was "strictly a mess hall job" and not a commercial bakery job.

(2) He accepted the job because it was a mess hall job and he doesn't do commercial baking.

(3) He was required to do large amounts of commercial baking, which he specifies the oven was not half large enough to turn out that much bakery goods.

(4) He was sent out of the States without a physical examination. He had diabetes and was not able to do all the work that was expected of him.

25X1A b. By letter of 19 November 1954, [REDACTED] states that he paid \$100 passage to [REDACTED] after quitting, and worked his passage back to the United States from [REDACTED] 25X1A

c. The field station has indicated (IN-16450 dated 8 September 1953) in response to a request for the reason for [REDACTED] resignation as follows: 25X1A9a

"Job entailed too many hours. Diabetic and diminishing visual acumen great hinderance in performing job. Attempted resign two month's ago. Baking for store topped troubles."

25X1A9a 4. It is the opinion of this Office that in this case the authority responsible for the issuance of travel orders within the FE Division might well find any one of the following three reasons for termination sufficient to determine that the separation was for reasons beyond the control of [REDACTED] and acceptable to the Agency:

a. A change in job specifications after employment to do mess hall baking.

b. Inadequate facilities to produce the amount of goods required, resulting in long hours.

c. Impairment of health by continuing under conditions that had been brought to the attention of superiors without a change in assigned duties or an offer of another job.

5. In the event a finding is made that the separation was for a reason or reasons beyond the control of [REDACTED] and acceptable to the Agency, any claim for refund of the travel costs would be improper. This Office, therefore, would present no legal objection to approval of a proper claim for costs actually incurred for return travel to the United States, as well as payment of the final salary and accumulated leave which have been withheld. (See 33 Comp. Gen. 319) 25X1A9a

25X1A 25X1A9a 6. As indicated above, the material available to this Office reflects that no costs were incurred in travel from [REDACTED] to the United States. [REDACTED] worked his passage. However, it does appear that he expended \$100 for passage to [REDACTED]. 25X1A

7. If this Office can be of further assistance in this case, it will be pleased to do so.

25X1A9a

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[REDACTED]
Office of General Counsel

Enclosure

Distribution:

File

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OGC/JGO:fm (19 Jul 55)

1 - Claims File

1 - Chrono, JGO

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ORIGINAL DOCUMENT MISSING PAGE(S):

Enclosure 1/2/58